THE HONOURABLE SMT JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

W.V.M.P.No. 808 of 2007
AND
W.P.No. 7319 OF 2005

ORAL ORDER:
(Per T. Meena Kumari, J)

The present W.V.M.P.No. 808 of 2007 is filed to vacate the interim suspension orders passed by this Court on 6.6.2005 in W.P.M.P.No.9754 of 2005 in W.P.No.7319 of 2005. Since both the counsel are ready to argue the main writ petition, the main Writ Petition along with Vacate Station Petition are disposed of jointly.

The Writ Petition is filed seeking writ of certiorari calling for the records connected with order dated 30.12.2003 in O.A.No. 6382 of 1995 and the order dated 16.8.2004 in M.A.No.2306 of 2004 in Rev. MASR No. 8833 of 2004 in O.A.No. 6382 of 1995 passed by the learned A.P. Administrative Tribunal and to quash the same as erroneous and contrary to law.

Before the tribunal, the respondent filed O.A.No.6382 of 1995 for prescribing the ratio for recruitment to the posts of Asst. Labour Officers from the source of Senior Stenographers duly taking into account the cadre strength in comparison to that of the Senior Assistants who form from the other feeder category. After hearing both the parties, the A.P. Administrative Tribunal has disposed of the O.A. with the following directions:

> "(i) The applicant be fixed in the slot which was earlier fixed to Sri Suryanarayana at slot No.28 as Sri Suryanarayana is shifted to slot No.8. So, the applicant be fixed at slot No.28 and as per the slot, his case may be considered for promotion, giving notional benefit prior to the date of filing this O.A. and monetary benefits subsequently.

(ii) Necessary orders as directed above be passed within a period of three months from the date of receipt of a copy of this order, if not already passed."

Challenging the said order, the present Writ Petition has been filed. This Court while admitting the writ petition has granted interim suspension by an order dated 6.6.2005. The vacate stay Petition is filed after a period of two years.

We have heard both the counsel.

It has been contended by the learned Government Pleader that the said O.A. was filed seeking a direction to the department to prescribe the ratio for the recruitment to the posts of Asst. Labour Officers from the source of Senior Stenographers duly taking into account the cadre strength in comparison to that of the Senior Assistants who form the other feeder category and seeking a further direction to follow the ratio of 8:1 between the Senior Assistants and the Senior Stenographers and also to direct the respondents to further follow the 50-point roster of vacancies followed in the matter of recruitment of Asst. Labour Officers as is followed hitherto in each unit of appointment.

During the course of arguments, the learned Government Pleader has brought to the notice of the tribunal the proceedings No. A/1007/01-1, dated 15.2.2002 to show that one J.Ch.V. Suryanarayana, Asst. Labour Officer was appointed on 22.9.1989 and he was fixed at slot No.28. The tribunal has directed that the slot No.28 may be allotted to the petitioner, who is senior in the cadre of Stenographers. The tribunal also further held that non-fixing of ratio without going into the merits and validity of any seniority, the tribunal found that it is sufficient to give direction as extracted in the preceding paragraph.

However, a perusal of the Order of the learned tribunal goes to show that there is no material available with regard to the fixing of slot

numbers and more so the said Surayanarayana was not made a party to the Petition and also the effecting individuals were also not made party to the proceedings and there is no material with regard to the seniority of the said Surayanarayana. The direction issued by the tribunal is beyond the scope and relief sought for by the respondent in the O.A. Under the above circumstances, it is also to be observed that the order of the tribunal was passed without any material placed before the tribunal with regard to the fixing of the slot numbers between the individuals, more so, when other person was not a party to the O.A. It is also not placed before the tribunal or before this Court with regard to how many number of persons were affected by issuance of such directions. It is further contended by the learned Govt. Pleader that the allotment of slot system has been upheld in 1998.

Under these circumstances, we hold the relief granted by the tribunal is beyond the scope and relief sought by the respondent and hence the order of the tribunal is liable to be set aside.

Accordingly, the order of the learned tribunal is set aside and the writ petition is allowed.

In view of the final orders passed in the Writ Petition, the Interim suspension granted on 6.6.2005 stands vacated.

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T. MEENA KUMARI, J

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G. CHANDRAIAH, J

5.6.2007
CHV